

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DERRICK D. ROBINSON,)	CASE NO. 1:06 CV 468
)	
Petitioner,)	JUDGE ANN ALDRICH
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
JULIUS WILSON,)	
)	<u>REPORT & RECOMMENDATION</u>
Respondent.)	

Before me by referral¹ is the *pro se* petition of Derrick Robinson for a writ of habeas corpus under 28 U.S.C. § 2254.² Because it was unclear from the record whether Robinson was still in custody or had been released, I issued an Order directing the State to provide this Court with information as to the petitioner's current status.³ In compliance with that Order, the State has responded that Robinson died since filing this petition.⁴

In light of this information, I recommend finding that this case is now moot and, accordingly, that this petition be dismissed.⁵

Dated: December 10, 2008

s/ William H. Baughman, Jr.
United States Magistrate Judge

¹ ECF # 7.

² ECF # 1.

³ Non-document entry of December 3, 2008.

⁴ ECF # 17.

⁵ *McMann v. Ross*, 396 U.S. 118 (1969); *Garceau v. Woodward*, 399 F.3d 1011 (9th Cir. 2005).

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.⁶

⁶ See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).